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## MOTION IN LIMINE REGARDING VIDEO CONTENT

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1 whether or not the proponent can authenticate the content of the recording. FRE 901  
2 makes clear that in order to authenticate evidence, the proponent bears the burden of  
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4 producing “evidence sufficient to support a finding that it is what the proponent  
5 claims it is.” This can be satisfied by testimony, but it has to be testimony of a  
6 witness with knowledge that the item is what it is claimed to be.  
7

8         The defense has been provided with several reports describing the July 29,  
9 2021 alleged exchange of cash for drugs between an informant and Mr. Aguirre Ruiz.  
10 The various reports list nine officers, four of whom appear on the government’s  
11 witness list. These officers are reported to have participated in various ways as the  
12 informant was equipped with audio/video recording devices and the two men,  
13 informant and defendant, met. There is no indication that the recording device was  
14 also a transmitter. Because of this, none of the law enforcement witnesses has direct  
15 knowledge of what the recording contains. They can testify that the recording device  
16 was attached and retrieved, but not as to the authenticity of its contents. This is  
17 personal knowledge only the informant can provide.  
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## 21 CONCLUSION

22         Based upon the foregoing, the defense therefore requests that government  
23 witnesses other than the informant be precluded from discussing the contents of the  
24 audio/videorecording to be offered by the government at trial.  
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1  
2 DATED: February 17, 2023  
3

4 s/ Robin C. Emmans  
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**CERTIFICATE OF SERVICE**

I hereby certify that on June 17, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: AUSA Frances Walker, AUSA Michael Murphy.

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